

1970 No. 451 .

SEA FISHERIES**WHITE FISH INDUSTRY****The White Fish Authority Publicity Scheme
Confirmatory Order 1970***Laid before Parliament in draft*

<i>Made</i>	- - -	<i>18th March 1970</i>
<i>Coming into Operation</i>		<i>5th April 1970</i>

Whereas the White Fish Authority (hereinafter referred to as "the Authority") have made the White Fish Authority Publicity Scheme 1969 (hereinafter referred to as "the Scheme");

And Whereas the Authority have transmitted to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, being the Secretary of State concerned with the sea fishing industry in Scotland, and the Secretary of State for the Home Department, being the Secretary of State concerned with the sea fishing industry in Northern Ireland, (hereinafter referred to as "the Ministers") the objections to the Scheme which have been duly made to the Authority and have not been withdrawn and the Ministers have considered such objections;

And Whereas the Ministers, after consultation with the Authority, have considered it desirable to make such modifications in the Scheme as hereinafter appear and have caused notice thereof to be published in such manner as they thought best adapted for informing persons affected;

And Whereas the Ministers are satisfied as to the matters referred to in section 6(2) of the Sea Fish Industry Act 1951(a) and that it is expedient that the Scheme as so modified should have effect;

Now therefore the Ministers, in exercise of the powers conferred on them by section 6(2) of the Sea Fish Industry Act 1951, as extended to Northern Ireland by the Northern Ireland (Sea Fish Industry) Order 1951(b), and of all other powers enabling them in that behalf hereby make the following Order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament.

1. This Order may be cited as the White Fish Authority Publicity Scheme Confirmatory Order 1970 and shall come into operation on 5th April 1970.

2. The White Fish Authority Publicity Scheme 1969 having been modified in the following respects, that is to say,

(a) by substituting in the third paragraph of the preamble, for the words and figures "section 6(1)" the words and figures "section 6(1) and by section 15(2) and (3) (as varied and extended by section 4(6) and (7) of the Sea Fisheries Act 1968)"(c),

(a) 1951 c. 30.

(b) S.I. 1951/1797 (1951 I, p. 738).

(c) 1968 c. 77.

(b) by inserting in paragraph 3 after the definition of "week" the following definition—

"'white fish' has the same meaning as in the Sea Fish Industry Act 1951 except that it does not include shellfish".

(c) by inserting in paragraph 4(b), after the word "rate", the words "per stone",

(d) by substituting in paragraph 5(c) for the words "fish meal or animal feeding stuffs" the words "fish meal, animal feeding stuffs or fish paste or for packing in cans or bottles",

(e) by inserting in the Schedule, immediately below the words "Column 2", the words "Per stone" and by adding after the words "Other white fish products" the words "not being products imported or brought into the United Kingdom as fish meal, animal feeding stuffs, fish paste or products in cans or bottles",

is hereby confirmed and is set out in the Schedule to this Order.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th March 1970.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 12th March 1970.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 18th March 1970.

James Callaghan,
Secretary of State for the Home Department.

SCHEDULE

THE WHITE FISH AUTHORITY PUBLICITY SCHEME 1969

Whereas it appears to the Authority that it is expedient to bring into force a Scheme to enable them to undertake a promotional campaign by advertising or by other means to maintain and increase the consumption of white fish in the United Kingdom and to provide funds for such purposes:

And Whereas the Authority have consulted with such bodies as appear to them to be representative of the interests concerned:

Now, therefore, in exercise of the powers conferred upon them by section 6(1) and by section 15(2) and (3) (as varied and extended by section 4(6) and (7) of the Sea Fisheries Act 1968) of the Sea Fish Industry Act 1951 as extended to Northern Ireland by the Northern Ireland (Sea Fish Industry) Order 1951 and all other powers enabling them in that behalf, the Authority hereby make the following Scheme:

Citation and Interpretation

1. This Scheme may be cited as the White Fish Authority Publicity Scheme 1969.
2. The Interpretation Act 1889(a) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them that is to say:—

“the Authority” means the White Fish Authority ;

“firsthand sale” means—

(a) in relation to white fish which has been landed outside the United Kingdom and any white fish product manufactured outside the United Kingdom from such white fish, but which is purchased by a person carrying on business in the white fish industry and is imported or brought into the United Kingdom for the purposes of any such business, the first sale thereof (whether in the United Kingdom or elsewhere) to such a person as aforesaid ;

(b) in relation to any other white fish or white fish product, the first sale thereof (other than a sale by retail) whether prior to or after it has been landed in the United Kingdom.

“sale by retail” means a sale to a person buying otherwise than for the purpose of re-sale or processing or use as bait, and includes a sale to a person for the purposes of a catering business (other than a fish frying business) ; and

“sell by retail” has a corresponding meaning ;

“stone” means a weight of fourteen pounds avoirdupois ;

“week” means a period of seven consecutive days ending at midnight on any Saturday ;

“white fish” has the same meaning as in the Sea Fish Industry Act 1951 except that it does not include shellfish ;

“wholesale merchant” means any person selling or offering for sale white fish or white fish products otherwise than by retail.

Finance—Levy

4. There shall be paid to the Authority subject to and in accordance with the provisions of this Scheme by every person who purchases any white fish or any white fish product on a firsthand sale thereof a levy (hereinafter referred to as “the said levy”):—

(a) in respect of any white fish so purchased by him at the rate of ¼d. per stone ; and

(b) in respect of any white fish product specified in the first column of the Schedule hereto so purchased by him at the rate per stone set out opposite thereto in the second column of such Schedule ;

Provided that if any white fish or any white fish product is purchased on a firsthand sale through or from a wholesale merchant who sells on commission the said levy shall be paid to the Authority by the said wholesale merchant.

5. (a) A person who has paid the said levy to the Authority in accordance with paragraph 4 of this Scheme in respect of any white fish or white fish product shall be entitled to recover as a civil debt from any person engaged in the white fish industry to whom he shall have sold such white fish or white fish product a sum equal to the amount of the levy so paid.

(b) Where any white fish or white fish product in respect of which the said levy has been paid in accordance with paragraph 4 of this Scheme is subsequently exported, the Authority shall repay a sum equal to the amount of the levy so paid to the person who has paid the levy except in a case where he shall have recovered a sum equal to the amount of such levy from another person in accordance with paragraph 5(a) of this Scheme when the repayment shall be made to such other person.

(c) Where any white fish or white fish product is purchased on a firsthand sale for the production of fish meal, animal feeding stuffs or fish paste or for packing in cans or bottles and levy has been paid in accordance with paragraph 4 of this Scheme, the Authority upon being satisfied that such white fish or white fish product has been so used shall repay a sum equal to the amount of the levy

so paid to the person who has paid the levy except in a case where he shall have recovered a sum equal to the amount of such levy from another person in accordance with paragraph 5(a) of this Scheme when the repayment shall be made to such other person.

6. The amount payable to the Authority by any person as aforesaid in respect of the said levy shall be paid to the Authority within seven days after the end of either the week during which there took place the firsthand sale of the white fish or white fish product in respect of which the levy is payable or of the week during which such white fish or white fish product was imported, or brought into the United Kingdom, whichever is the later.

7. The Authority shall expend the moneys received from the said levy, after deducting therefrom any costs of collection and any payments made in accordance with paragraph 10 of this Scheme, on publicity or advertising or in any other manner appearing to them to be appropriate Provided in every case that such expenditure will in their opinion be likely to result in the increase or the maintenance of the consumption in the United Kingdom of white fish generally or of white fish of any particular kind ; and in so doing they shall have regard to advice from the White Fish Industry Publicity Advisory Committee established in accordance with paragraph 8 of this Scheme.

Publicity Committee

8. The Authority shall establish a Committee to be known as "the White Fish Industry Publicity Advisory Committee" (hereinafter referred to as "the Publicity Committee") which shall have the function of advising the Authority upon the expenditure in the manner authorised by this Scheme of moneys received by the Authority from the said levy.

9. The Publicity Committee shall consist of a Chairman who shall be such member of the Authority as may from time to time be appointed by the Authority and such other persons as the Authority may from time to time appoint to represent the interests of the white fish industry.

10. The Authority may out of moneys received from the said levy make payments to members of the Publicity Committee in respect of their reasonable expenses in attending meetings of that Committee or in carrying out duties required of them as members thereof.

Records

11. (a) Every person who sells white fish or white fish products otherwise than by retail shall keep or cause to be kept an accurate record of all his purchases and sales of white fish and white fish products (other than sales by retail), including in respect of each such purchase or sale the date thereof, the name and address of the seller or purchaser, the descriptions of white fish and white fish products purchased or sold, the net weight of each description and the price paid or charged.

(b) Every person who sells white fish or white fish products by retail and every fish frier shall keep or cause to be kept an accurate record of all his purchases of white fish and white fish products, including in respect of each such purchase the date thereof, the name and address of the seller, the descriptions of white fish and white fish products purchased, the net weight of each description and the price paid.

(c) In respect of every sale or purchase of white fish or white fish products which it is customary or usual to sell or purchase by reference to a method of calculation of quantity other than a calculation by weight, the records which are required to be kept under the foregoing provisions of this paragraph by the persons referred to therein, shall, in addition to and not in derogation of the requirements of the said paragraphs, include particulars of white fish and white fish products so sold or purchased by reference to the said method of calculation of quantity.

(d) The retention by any person of an accurate invoice or a copy thereof shall, as respects any of the matters hereinbefore mentioned of which sufficient particulars are contained in the said document, be deemed to be to that extent a compliance by that person with the foregoing provisions of this paragraph.

The Common Seal of the
WHITE FISH AUTHORITY was }
 hereunto affixed in the }
 presence of:— } (L.S.)

Member: *F. Brundrett*,

Secretary: *L. W. Jackson*,

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
<i>Fresh, frozen and chilled white fish</i>	
<i>—all varieties</i>	<i>Per stone</i>
Gutted	¼d.
Headless and gutted	1d.
Fillets, skin on	1½d.
Fillets, skinless	1¾d.
<i>Smoked white fish—all varieties</i>	
Headless and gutted	1½d.
Fillets, skin on	1½d.
Fillets, skinless	2d.
<i>Salted and cured white fish</i>	
<i>—all varieties</i>	
Wet	1½d.
Dried	2½d.
<i>Other white fish products not being products imported or brought into the United Kingdom as fish meal, animal feeding stuffs, fish paste or products in cans or bottles</i> ..	1½d.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confirms, after modification, a Scheme made by the White Fish Authority imposing a special levy on first-hand sales of white fish and their products. The Scheme enables the White Fish Authority to promote the consumption of white fish in the United Kingdom by means of publicity financed by the proceeds of a levy, payable by the first-hand buyer, based on a rate of ¾d. per stone for whole white fish with variations for specified white fish products. There are provisions for the repayment of levy on white fish and their products which are exported or are used in the manufacture of fish meal, animal feeding stuffs or fish paste or for packing in cans or bottles.